

USDI, Bureau of Land Management
Burns District
28910 Hwy. 20 West
Hines, Oregon 97738

FINDING OF NO SIGNIFICANT IMPACT
and
DECISION RECORD
for

NEALS HILL MATERIALS SOURCE/
EAST STEENS ROAD PROJECT

Environmental Assessment OR-03-027-064

INTRODUCTION

Neals Hill Materials Source is located within the Steens Mountain Cooperative Management and Protection Area (CMPA) and is one of the sites specifically identified in the Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000 (P.L. 106-399) for development of saleable mineral resources for road maintenance use only.

Seventy-two percent of the Andrews Resource Area and that portion of the Three Rivers Resource Area within the CMPA are not available for development of salable minerals sources due to the Steens Act and the presence of Wilderness Study Areas.

The pit is located approximately 6 miles southwest of State Highway 78 on East Steens Road. East Steens Road is a County road beginning 70 miles southeast of Burns, Oregon, off State Highway 78 and ends near Fields, Oregon, approximately 63 miles to the southwest.

After completion of the northern East Steens Road Project, the materials source would be used as a long-term (50 years) aggregate source. Primary use would be by the Harney County Road Department under a Free Use Permit issued by the Bureau of Land Management (BLM).

SUMMARY OF PROPOSED ACTION

The proposed action includes (under authority of a Free Use Permit) removal of approximately 250,000 cubic yards of aggregate (Steens Basalt) from Neals Hill Materials Source over the next 5 years. Materials extracted will be used for maintenance, resurfacing, and paving of the northern portion of the East Steens Road. Surface disturbance would consist of approximately 40 acres.

There would be two phases to the mining operation. Phase 1 of the operation would include drilling, blasting, crushing, and stockpiling of rock. This phase is expected to last 2 months.

Phase 2 of the operation would include loading and hauling of the crushed rock to the northern portion of East Steens Road. Harney County is proposing to resurface and pave at least 10 miles of East Steens Road per year (funding dependent). A cold mix plant (pug mill) consisting of an asphalt/rock mixer and two asphalt tanks would also be on site when paving begins. This phase could last 4 to 5 years and could be year-round.

Topsoil (overburden) would be removed and stockpiled for use in reclaiming the area. All final slopes would be left on a 3:1 slope. Reclaimed areas would be seeded with a native/nonnative seed mixture dependent upon availability and would include recontouring the disturbed area to resemble the surrounding landscape.

The existing access route to the community site would be bladed and shaped with turnouts. No surface disturbance would occur on the west side of the access road. The route would be watered, graded, and maintained throughout the entire operation as needed.

FINDING OF NO SIGNIFICANT IMPACT

This proposal is in conformance with the Steens Act; the 1982 Andrews Land Use Plan minerals objective of keeping public land open for collection of mineral resources; the Andrews Management Unit/Steens Mountain CMPA Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS), Energy and Minerals resource section, ‘Goal 3–Provide opportunities for the production of saleable minerals by local, state, and federal agencies and the public in a culturally- and environmentally-sound manner’; and State, local, and Tribal land use plans and regulations.

Based on the analysis of potential environmental impacts contained in the Environmental Assessment (EA) and all other information, I have determined that the proposed action and alternative analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an EIS is not necessary and will not be prepared.

Rationale:

This determination is based on the following: The following critical elements of the human environment are not known to be present in the project area or affected by enacting either alternative: Areas of Critical Environmental Concern, environmental justice, prime or unique farmlands, floodplains, Special Status plant species, hazardous materials, American Indian religious concerns, paleontology, water quality, wetlands and riparian zones, Wild and Scenic Rivers, wilderness, Wilderness Study Areas, and adverse energy impacts. All potentially impacted resources were analyzed in the EA specific to the proposed action. The following resources were analyzed in the EA: air quality, cultural resources, noxious weeds, Special Status animal species, migratory birds, soils, vegetation/range, wildlife, grazing management, recreation, visual resources, noise, social/economic, lands and realty, and geology. Impacts to these resources are considered nonsignificant (based on the definition of significance in 40 CFR 1508.27) for the following reasons:

Air Quality

There could be temporary effects to air quality during hours of operation due to dust caused by excavation and hauling of materials; however, effects would be minimized by watering the access road, East Steens Road, and excavation site. Air quality may also be affected by wind events blowing dust from the overburden stockpiles prior to revegetation. Air quality would improve when the East Steens Road is resurfaced and paved, thereby, decreasing dust created by vehicles or wind events.

Cultural Resources

Two recorded prehistoric sites occur adjacent to the existing access road. Potential exists for the sites to be damaged or destroyed by road maintenance/construction. Burns BLM cultural resources staff would meet with Harney County representatives and identify the site locations prior to improvement of the existing access road and construction of the turnouts. Site areas would be flagged as avoidance areas. The sites would be avoided when constructing the turnouts to the existing access road and monitored for effects during construction and road use.

Noxious Weeds

Medusahead rye is known to exist in the area of the access road. On public land BLM is not approved to use herbicides found to be highly effective on medusahead. However, BLM can use glyphosate products (Rodeo) which would significantly reduce the amount of seed production on the roadbed. After the access road is graveled, it would be treated with the herbicide Rodeo each spring prior to seed production.

Any weed infestations would be treated in accordance with the Burns District Weed Management Plan.

Special Status Species - Animals

There would be no effects to bighorn sheep during winter season or lambing periods. Sage-grouse would not be affected due to the distance from lek sites. Burrowing owls are known in the area of the pit but not close enough to be disturbed by the activity. White-tailed antelope ground squirrels are probably in the area and would be displaced by the activity at the pit, but would return after the disturbance ceases.

Migratory Birds

Migratory birds nesting in the area of the pit would be displaced due to loss of habitat. There would be little to no use of the area after the vegetation is removed. The area of proposed disturbance is fairly small and the effects to migratory birds would be minimal.

The proposed action is to run the crushing equipment, blasting and hauling for 20 hours per day, 5 days per week, for the months of August and September. This would be after the nesting season for most migratory birds. Noise levels could displace birds up to one-quarter mile from the source. Most birds would have migrated out of the area by September so operations would not have any impact after that time.

The continued operation of hauling and crushing during daylight hours for the duration of the paving of the north section of the East Steens Road would affect migratory birds to much less an extent since most of these birds would be migrating south by September with very few around during the winter months.

Soils

Wind and precipitation erosion could occur on stockpiles until planted native and nonnative vegetation has established. Reclaimed areas would also have erosion potential until the planted native and nonnative seed mixture establishes.

Vegetation

Initially all vegetation would be removed from the excavation site. During reclamation the site would be reseeded with a native/nonnative perennial seed mixture.

Wildlife

Most wildlife species known to the area would be displaced by the disturbance during the operation of equipment. Many would use the area again after the disturbance ceases.

The resurfacing and paving of East Steens Road could increase vehicle traffic as well as vehicle speed. This could increase wildlife injury and mortality.

Grazing Management

The disturbance site is small enough there would be a minimal affect to livestock grazing management.

Recreation

Mineral materials development at the site could displace some hunters. The site could also attract campers, target shooters, and OHV users when it is inactive and could result in increased litter, camping stay violations, OHV designation violations, and safety issues.

Although the current East Steens Road is a maintained County road, resurfacing and paving the road could attract additional visitors and additional types of uses to the area and to public land accessible from the East Steens Road. An increase in visitors could place more demands on the existing recreation facilities and increase demands for improved and new recreation facilities and access. Inadvertent and trespass use of private land could increase.

Visual Resources

The proposed action would introduce a variety of new lines, forms, and colors into the existing landscape. When the equipment is on-site, complex, angular forms of an unknown color would be present. Piling of material would add pyramidal to trapezoidal forms to the rolling landscape. However, the stockpiled overburden to the north of the excavation site would be out of view from the casual observer due to terrain features. The initial rock piles would be placed on the south side of the excavation area on the first entry with future piles to be placed in the previously excavated area. After initial entry the rock piles would not be visible to the casual observer. It is expected that the gray color of the gravel and rock would contrast slightly to moderately with the surrounding green to tan vegetation colors. The improved access road would create a long, sinuous, and gray-colored form that would contrast with the existing forms and vegetation colors. Any dust created by the crushing and hauling activities would attract attention to the site and access road.

Noise

Noise from blasting, crushing and hauling operations would be moderate (68 to 100 decibel at 50 feet) and typical of that associated with movement of heavy equipment and excavation. Crushing and hauling operations would be weather dependent and could occur year-round.

The resurfacing and paving of East Steens Road could increase vehicle traffic, thereby increasing overall vehicle noise.

Social/Economics

The proposed action could have the potential of creating initially 6 to 12 new jobs in Harney County for 2 months during Phase 1 of the operation.

The improved road could increase tourism and, therefore, positively affect the economic value of the communities of Crane, Fields, Burns, and Hines. The social aspect of the area could also be affected by increasing the number of people recreating or visiting the area.

The County would be working under a Free Use Permit so no revenue would be generated.

Lands and Realty

Better access to the area could result in increased property values in the region.

Geology

There would be a loss of approximately 250,000 cubic yards of rock from the site.

MITIGATING MEASURES

Mitigation measures are included within the proposed action; therefore, no additional mitigating measures are required.

DECISION RECORD

DECISION: Having considered the range of alternatives and associated impacts and based on the analysis in the Neals Hill Community Pit/East Steens Road Project EA, it is my decision to implement the proposed action which proposes to remove approximately 250,000 cubic yards of aggregate from Neals Hill Materials Source for the East Steens Road Project over the next 5 years. Surface disturbance would consist of approximately 40 acres. After completion of the northern East Steens Road Project, the Neals Hill Materials Source would be used as a long-term (50 years) aggregate source. Primary use would be by the Harney County Road Department under a Free Use Permit issued by BLM.

Rationale for Decision: I have selected the proposed action for the following reasons:

Purposes of the Steens Act are “to provide for and expand cooperative management activities” and “maintain and enhance cooperative and innovative management practices” in the CMPA as well as to authorize uses on public land within the CMPA consistent with the purposes of the Steens Act. The Steens Act specifically identifies the Neals Hill Materials Source as available for development of saleable mineral resources for road maintenance. In the spirit of cooperation and the Steens Act, Harney County’s request (Proposed Action) for mineral materials has been selected.

The proposed action is also consistent with the 1982 Andrews Land Use Plan; Andrews Management Unit/Steens Mountain CMPA PRMP/FEIS); and State, local, and Tribal land use plans and regulations.

I have also considered the no action alternative which is equivalent to existing management of the Neals Hill Materials Source. Since the designation of the materials source in 1996, no mining activity has occurred. Therefore, no mining would actually occur with selection and implementation of the no action alternative. However, Harney County could purchase materials from a private source at public expense to resurface and pave East Steens Road. I did not select this alternative because the site was designated for mineral materials extraction and selection of the no action alternative could add a financial burden to Harney County.

This decision may be appealed to the Interior Board of Appeals, Office of the Secretary, in accordance with regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be filed in the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738 by August 9, 2004. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition, pursuant to regulations 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

Karla Bird

Andrews/Steens Resource Area Field Manager

Date

7/8/2004